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LETTER OF TRANSMITTAL
SAS Foundations E2/T1 Project

Run Date 20-Jun-07
Time 1:51 PM

Dated: 20-Jun-2007

TRANSMITTAL No: KFM-TRN-000566

Rev: 00

To: **Pedro Sanchez**
Caltrans - SAS E2/T1 Foundation Project
333 Burma Road
Oakland CA 94607
Phone: 510-286-0538 Fax:

Co/Job # 364-4347
Contract # 04-0120E4
Sub/Supplier:
Sub/Supplier No:

Subject: Initial Notice of Potential Claim #06-062007 - TBS' Welder Trainee Issue

Special Provis. (SP) REF:
Standard Spec. (SS) REF: 9-1.04

RESUBMITTAL/SUPPLEMENTAL REF:

We are sending the following attached items: ☒ Attached

☐ Via Fax

- ☐ Contract Plans/Specs
- ☐ Drawings/Calculations
- ☐ Change Order
- ☐ Copy of Letter

- ☐ Certs of Compl./Samples
- ☐ Schedule
- ☐ Progress Estimate Request
- ☐ Payroll Information

- ☐ Working Drawings
- ☐ WQCP and/or Addenda
- ☐ Weekly Welding Reports
- ☐ CWR Procedure

Item	Date	Copies	Description	Pages
01	20-Jun-2007	0	Initial Notice of Potential Claim #6	

These are transmitted as checked below:

- ☐ For Approval
- ☒ For Your Use

- ☐ For Review/Comment
- ☒ As Requested

- ☐ Return For Correction
- ☐ For Information

Remarks:

Please find attached KFM's Initial Notice of Potential Claim #6 sent on behalf of our Material Supplier, Trans Bay Steel.

KFM will submit the supplemental Notice of Potential Claim as required by Contract Specification 9-1.04.

CC:

Submitted By: **Meda Schultz**

(KFM Staff Member - Originator of Transmittal)

Checked & Sent By:

Contract Admin/DCS Staff

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
INITIAL NOTICE OF POTENTIAL CLAIM
CEM-8201A (NEW 8/2002)



TO Pedro J. Sanchez	CONTRACT NUMBER 04-0120E4	DATE 6/19/07	IDENTIFICATION NUMBER 06-062007
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This is an Initial Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on:

DATE: **6/15/07**

The particular nature and circumstances of this potential claim are described as follows:

SEE ATTACHED NO. 1025

(attach additional sheets as needed)

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Trans Bay Steel Corp.

SUBCONTRACTOR or CONTRACTOR
(Circle One)

(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

Kiewit-PCI-Manson, JV

PRIME CONTRACTOR

(Authorized Representative)

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-5410 or TDD (916) 654-5880 or write Records and Forms Management, 1120 N Street, MS-09, Sacramento, CA 95814.





TRANS BAY STEEL, CORP.

1025 KAISER ROAD, NAPA, CA 94558

TELEPHONE: (707)259-0777 FAX: (707)259-1072

6/19/07

State of California
Department of Transportation

RE: CONTRACT NUMBER: 04-0120E4 E2/T1 SAS Foundations
INITIAL NOTICE OF POTENTIAL CLAIM
Form No. CEM-6201A

“Attachment No. 1025”

Trans Bay Steel has always used a Helper/Trainee with a qualified and approved Submerged Arc Operator to perform welding on Caltrans Projects, i.e., San Mateo Bridge (1999), Carquinez Bridge (2000), Benicia Bridge (2001), Richmond San Rafael Bridge (2002), San Francisco Oakland Bay Bridge (2003), in conformance with our material contracts, Caltrans Special Provisions and the AWS code governing the work in our shop.

During production on the E2/T1 project, commencing on December 06, 2005, the State's subcontractor employed with METS determined that this practice was not in conformance with the special provisions and AWS D1.1-2002. Trans Bay disagrees with METS new position.

METS new position in 2005 created the following impacts: Stopped production by not accepting work which had a Helper/Trainee involved, Loss of production and efficiency, Trainee/Operator standby time, Change in traditional training techniques as allowed in past projects, Additional 100% inspections on components, Delays in delivery Schedules, work stoppages, Additional overtime for production and inspection to mitigate delays and administrative clearing documents.

The State's refusal to issue or negotiate the requested change order associated with the above described is evidenced in numerous written correspondences and meeting minutes dating to late 2005 and continuing to the present. This refusal to issue an agreeable change order led to a June 15, 2007 meeting to discuss the key issues involved. It was at this meeting that an impasse was reached and as such has resulted in the filing of this Initial Notice of Potential Claim.